

Current Status of Ward 5 Seat

Suspended official currently temporarily suspended in accordance with Georgia State law.

Suspended official has filed a motion for new trial which is the formal commencement of the appeal process related to the felony conviction.

The City of Marietta has made a request to Governor Deal for a temporary replacement for Ward 5.

State law does not establish a timeframe for the Governor to appoint a temporary replacement and does not set forth a process for the appointment and actually does not require the appointment.

Assuming a temporary appointment is made by the Governor, it will be temporary and will expire upon:

1. The resignation of the suspended official; or
2. A final ruling on the felony conviction by a highest court; or
3. December 31, 2017.

If the motion for new trial is granted, the matter would be returned to Cobb County Superior Court for a new jury trial. If the motion for new trial is denied, the matter would proceed to the appellate courts. There is no timeframe for the issuance of a decision by the appellate courts but a 12-month process is not out of the question.

Upon the finality of the conviction before July 1, 2017, a Special Election would be called by the Mayor and Council and would be conducted to fill the seat through December 31, 2017.

Upon finality of the felony conviction after July 1, 2017, the Mayor and Council would be authorized to name a replacement who would be in office through December 31, 2017.

If the conviction is overturned by a higher court, the suspended official would be returned to office.

Procedurally the motion for new trial will be heard in Cobb County Superior Court once the transcript has been prepared. The hearing will be in open court and the hearing will be open to the public. Further comment on the pending motion for new trial would be inappropriate at this time.

The appeal process in the Court of Appeals of Georgia or the Supreme Court of Georgia is not an appropriate subject of discussion at this time.